

(Official Form 1) (12/03)

<b>FORM B1</b> <b>United States Bankruptcy Court</b> <b>EASTERN</b> <b>District of</b> <b>CALIFORNIA</b>		<b>Voluntary Petition</b>
Name of Debtor (if individual, enter Last, First, Middle): Barnes, David Gene		Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names): NONE		All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than one, state all): 9009		Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than one, state all):
Street Address of Debtor (No. & Street, City, State & Zip Code): 2824 Normington Dr Sacramento, CA. 95833		Street Address of Joint Debtor (No. & Street, City, State & Zip Code):
County of Residence or of the Principal Place of Business: Sacramento		County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): 16239 West Post Drive Surprise, AZ 85387		Mailing Address of Joint Debtor (if different from street address):
Location of Principal Assets of Business Debtor (if different from street address above): NOT APPLICABLE		

### Information Regarding the Debtor (Check the Applicable Boxes)

**Venue** (Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

**Type of Debtor** (Check all boxes that apply)

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Individual(s) | <input type="checkbox"/> Railroad         |
| <input type="checkbox"/> Corporation              | <input type="checkbox"/> Stockbroker      |
| <input type="checkbox"/> Partnership              | <input type="checkbox"/> Commodity Broker |
| <input type="checkbox"/> Other _____              | <input type="checkbox"/> Clearing Bank    |

**Chapter or Section of Bankruptcy Code Under Which the Petition is Filed** (Check one box)

- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> Chapter 7                            | <input type="checkbox"/> Chapter 11 | <input type="checkbox"/> Chapter 13 |
| <input type="checkbox"/> Chapter 9                                       | <input type="checkbox"/> Chapter 12 |                                     |
| <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding |                                     |                                     |

**Nature of Debts** (Check one box)

- ☒ Consumer/Non-Business      ☐ Business

**Chapter 11 Small Business** (Check all boxes that apply)

- ☐ Debtor is a small business as defined in 11 U.S.C. § 101
- ☐ Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)

**Filing Fee** (Check one box)

- ☒ Full Filing Fee attached
- ☐ Filing Fee to be paid in installments (Applicable to individuals only)  
Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form \_\_\_\_\_

**Statistical/Administrative Information** (Estimates only)

- ☐ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☒ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors		1-15	16-49	50-99	100-199	200-999	1000-over		
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Estimated Assets		\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Estimated Debts		\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**05-37911-B-7**

**DEBTOR: DAVID BARNES**

DEBTOR'S ATTY: G. SMITH

JUDGE: HON. T. HOLMAN

TRUSTEE: P. DHAWAN

341 MEETING (Tentative Setting):

11/08/2005, 02:00PM - usb

Official meeting notice to be mailed  
CHAPTER: 7      COUNTY: SACRAMENTO

**FILED 10/13/05 - 2:14 PM**

RELIEF ORDERED

CLERK, U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

RECEIPT NO: 2-5-023056 \$209 sbes



2005-37911

(Official Form 1) (12/03)

FORM B1, Page 2 USBC, EDCA (Rev. 12/03)

**Voluntary Petition**

(This page must be completed and filed in every case)

Name of Debtor(s):

David Gene Barnes

Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)

Location

Where Filed: NONE

Case Number:

Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor: NONE

Case Number:

Date Filed:

District:

Relationship:

Judge:

**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Debtor

X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Attorney

Signature of Attorney for Debtor(s)

Gregory J. Smith

#114576

Printed Name of Attorney for Debtor(s)

Bar ID Number

Law Office of Gregory J. Smith

Firm Name

109 Darling Way

Address

Roseville, CA 95678

(916) 489-9799

Telephone Number

Date

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

**Exhibit A**

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15 (d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

☐ Exhibit A is attached and made a part of this petition.

**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X

Signature of Attorney for Debtor(s)

Date

**Exhibit C**

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health?

☐ Yes, and Exhibit C is attached and made a part of this petition.

☐ No.

**Signature of Non-Attorney Petition Preparer**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed or Typed Name of Bankruptcy Petition Preparer

Social Security Number

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

In re *David Gene Barnes*

Case No.  
Chapter 7  
Debtor

Attorney for Debtor: Gregory J. Smith

**SUMMARY OF SCHEDULES**

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	A M O U N T S ASSETS	S C H E D U L E D LIABILITIES	OTHER
A - Real Property	Yes	1	\$ 0.00		
B - Personal Property	Yes	3	\$ 3,610.00		
C - Property Claimed As Exempt	Yes	2			
D - Creditor Holding Secured Claims	Yes	1		\$ 0.00	
E - Creditors Holding Unsecured Priority Claims	Yes	1		\$ 0.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	2		\$ 25,905.74	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	Yes	1			\$ 6,000.00
J - Current Expenditures of Individual Debtor(s)	Yes	1			\$ 4,960.00
Total Number of sheets in ALL Schedules >		14			
Total Assets >			\$ 3,610.00		
Total Liabilities >				\$ 25,905.74	

In re: David Gene Barnes / Debtor Case No.

**SCHEDULE A - REAL PROPERTY**

Description and Location of Property	Nature of Debtor's Interest in Property	H W J C	Market Value of Debtor's Interest	Amount of Secured Claim
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NONE

Total \$ 0.00

In re: *David Gene Barnes*

/ Debtor

Case No.

**SCHEDULE B - PERSONAL PROPERTY**

Description of Property	Location	H W J C	Market Value of Debtor's Interest Before Claim
1. Cash on hand. <i>Cash</i>			\$ 100
2. Checking, savings or other financial accounts, certificates of deposits or shares in banks, savings, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives. <i>First Bank 201 Vernon Street Roseville, CA 95678</i> <i>Checking #2416123841</i>			\$ 100
3. Security deposits with public utilities, telephone companies, landlords, and others. <i>SMUD PO Box 15555 Sacramento, CA 95852</i> <i>(Utility)</i>			\$ 100
4. Household goods and furnishings, including audio, video, and computer equipment. <i>Couch</i>			\$ 50
<i>TV</i>			\$ 200
<i>Computer/Printer</i>			\$ 300
<i>Stereo VCR</i>			\$ 200
5. Books; pictures and other art objects; antiques; stamp, coin, record, tape, compact disc, and other collections or collectibles. [x] NONE			
6. Wearing apparel. <i>Clothing for 1</i>			\$ 150
7. Furs and jewelry. <i>Watch</i>			\$ 10
8. Firearms and sports, photographic, and other hobby equipment. <i>Camera</i>			\$ 100
9. Interests in insurance policies. [x] NONE			
10. Annuities. [x] NONE			

In re: David Gene Barnes / Debtor Case No.

**SCHEDULE B - PERSONAL PROPERTY**  
(Continuation Sheet)

Description of Property	Location	H W J C	Market Value of Debtor's Interest Before Claim
11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. [x] NONE			
12. Stock and interests in incorporated and unincorporated businesses. [x] NONE			
13. Interests in partnerships or joint ventures. [x] NONE			
14. Government and corporate bonds and other negotiable and non-negotiable instruments. [x] NONE			
15. Accounts receivable. [x] NONE			
16. Alimony, maintenance, support, and property settlements, to which the debtor is or may be entitled. [x] NONE			
17. Other liquidated debts owing debtor including tax refunds. [x] NONE			
18. Equitable and future interests, life estates, and rights of power exercisable for the benefit of the debtor other than those listed in Schedule of Real Property. [x] NONE			
19. Contingent and non-contingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust. [x] NONE			
20. Other contingent and unliquidated claims of every nature, including tax refunds, counter claims of the debtor, and the rights to setoff claims. [x] NONE			
21. Patents, copyrights, and other intellectual property. [x] NONE			
22. Licenses, franchises, and other general intangibles. [x] NONE			

In re: David Gene Barnes / Debtor Case No.

**SCHEDULE B - PERSONAL PROPERTY**  
(Continuation Sheet)

Description of Property	Location	H	Market Value
		W	of Debtor's
		J	Interest
		C	Before Claim
23. Automobiles, trucks, trailers, and other vehicles and accessories. 1995 Chevy Camaro Lic #3MQR562 Vin #2G1FP22S0S2202153 Mileage: 195,000 (Full Equity)			\$ 2,200
24. Boats, motors, and accessories. [x] NONE			
25. Aircraft and accessories. [x] NONE			
26. Office equipment, furnishings, and supplies. Desk and Chair			\$ 50
27. Machinery, fixtures, equipment, and supplies used in business. [x] NONE			
28. Inventory. [x] NONE			
29. Animals. [x] NONE			
30. Crops - growing or harvested. [x] NONE			
31. Farming equipment and implements. [x] NONE			
32. Farm supplies, chemicals, and feed. [x] NONE			
33. Other personal property of any kind not already listed. Deceased Fathers Ring			\$ 50
		Total	\$ 3,610

In re: David Gene Barnes / Debtor Case No.**SCHEDULE C - PROPERTY CLAIMED EXEMPT**

Debtor elects the exemptions to which debtor is entitled under:

[x] 11 USC 522(b)(2): Exemptions available under applicable nonbankruptcy federal laws, and state or local laws.

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property w/o Deducting Exemption
<u>Cash on hand</u>			
Cash	Calif. C.C.P. S704.070	\$ 100	\$ 100
<u>Deposits of money with banks, etc</u>			
First Bank 201 Vernon Street Roseville, CA 95678			\$ 100
Checking #2416123841	Calif. C.C.P. S704.070	\$ 100	
<u>Security deposits with public utilities, landlords, etc.</u>			
SMUD PO Box 15555 Sacramento, CA 95852			\$ 100
(Utility)	Calif. C.C.P.	\$ 100	
<u>Household goods and furnishings</u>			
Couch	Calif. C.C.P. S704.020	\$ 50	\$ 50
TV	Calif. C.C.P. S704.020	\$ 200	\$ 200
Computer/Printer	Calif. C.C.P. S704.020	\$ 300	\$ 300
Stereo VCR	Calif. C.C.P. S704.020	\$ 200	\$ 200
<u>Wearing apparel</u>			
Clothing for 1	Calif. C.C.P. S704.020	\$ 150	\$ 150
<u>Furs and jewelry</u>			
Watch	Calif. C.C.P. S704.040	\$ 10	\$ 10
<u>Firearms, and sports, photographic, and other hobby equipment</u>			
Camera	Calif. C.C.P. S704.020	\$ 100	\$ 100



In re: David Gene Barnes

/ Debtor

Case No.

**SCHEDULE C - PROPERTY CLAIMED EXEMPT**  
(Continuation Sheet)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property w/o Deducting Exemption
<u>Automobiles, trucks, trailers, etc, and accessories</u>			
1995 Chevy Camaro	Lic #3MQR562 Vin #2G1FP22S0S2202153		\$ 2,200
Mileage: 195,000	(Full Equity)		
	Calif. C.C.P. S704.010	\$ 2,200	
<u>Office equipment, furnishings, and supplies</u>			
<u>Desk and Chair</u>			\$ 50
	Calif. C.C.P. S704.020	\$ 50	
<u>Any other personal property</u>			
<u>Deceased Fathers Ring</u>			\$ 50
	Calif. C.C.P. S704.040	\$ 50	

In re: David Gene Barnes / Debtor. Case No.

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**

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Creditor Name and Address	Date, Nature of Lien, Description & Value	Claim Amount	Unsecured Portion and Notes*
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☒ Debtor has no creditors holding secured claims to report on this Schedule D.

In re: David Gene Barnes

/ Debtor

Case No.

**SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS**

- [X] Debtor has no creditors holding unsecured priority claims to report on this Schedule E.

**TYPES OF PRIORITY CLAIMS**

- [ ] **Extensions of credit in an involuntary case**  
Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. S507(a)(2).
- [ ] **Wages, salaries, and commissions**  
Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$4000\* per person earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. S507(a)(3).
- [ ] **Contributions to employee benefit plans**  
Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. S507(a)(4).
- [ ] **Certain farmers and fishermen**  
Claims of certain farmers and fishermen, up to \$4000\* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. S507(a)(5).
- [ ] **Deposits by individuals**  
Claims of individuals up to \$1800\* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. S507(a)(6).
- [ ] **Alimony, Maintenance, or Support**  
Claims of a spouse, former spouse, or child of the debtor, for alimony, maintenance or support, to the extent provided in 11 U.S.C. S507(a)(7).
- [ ] **Taxes and Certain Other Debts Owed to Governmental Units**  
Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. S507(a)(8).
- [ ] **Commitments to Maintain the Capital of an Insured Depository Institution**  
Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. S507(a)(9).

\* Amounts are subject to adjustment on April 1, 1998, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

No continuation sheets attached

In re: David Gene Barnes / Debtor Case No.**SCHEDULE F -- CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

Creditor Name and Address	Date Claim was Incurred Consideration for Claim	Claim Amount and Notes*
1. Account No. 563809009 All the Best Video 5905 Clark Road Paradise, CA 95969	2000 Collection	\$ 165.00
2. Account No. Unknown Capital One Services PO Box 60000 Seattle, WA 98190-6000	02-12-02 Credit Card	\$ 1,155.00
3. Account No. 412174205225 Capital One Services PO Box 60000 Seattle, WA 98190-6000	07-25-98 Credit Card	\$ 1,103.00
Global Vantage Inc PO Box 945 Brookfield, WI 53008	Representing: Capital One Services	
4. Account No. 518720205225 Capital One Services PO Box 60000 Seattle, WA 98190-6000	12-29-00 Credit Card	\$ 678.00
Ccb Credit 5300 South 6th Street Springfield, IL 62703	Representing: Capital One Services	
5. Account No. 2416123841 First Bank 201 Vernon Street Roseville, CA 95678	2000 Credit Card	\$ 613.74
6. Account No. 8507072718 Household Bank Credit Card Services PO Box 60102 City of Industry, CA 91716	03-24-04 Credit Card	\$ 1,536.00

In re: David Gene Barnes / Debtor Case No.**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

Creditor Name and Address	Date Claim was Incurred Consideration for Claim	Claim Amount and Notes*
7. Account No. 540791500198 Household Bank Credit Card Services PO Box 60102 City of Industry, CA 91716	02-14-00 Credit Card	\$ 1,462.00
8. Account No. 1784629 Marine One Acceptance 5000 Quroum Drive #200 Dallas, TX 75254	06-08-00 RV	\$ 5,703.00
Commercial Recovery System Representing: Marine One Acceptance C/O Robert Nielson 9298 Central Avenue NE #310 Blaine, MN 55434		
9. Account No. 563809009 Melissa Atteberry Law Offices 30 Constitution Drive #100 Chico, CA 95973	2000 Legal Fees	\$ 680.00
10. Account No. 27757701 Travis Credit Union PO Box 150 Fairfield, CA 94533	04-00 Auto Loan	\$ 5,735.00
11. Account No. 00339914 Travis Credit Union Collection PO Box 150 Fairfield, CA 94533	02-18-03 Auto Loan	\$ 7,075.00
Cb Associates Representing: Travis Credit Union Collection PO Box 150 Fairfield, CA 94533		

In re: David Gene Barnes / Debtor Case No.

**SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Name and Address of Other Parties to Instrument	Notes of Contract or Lease and Debtor's Interest
Tracy Egeness 7976 Cavalli Way Fair Oaks, CA 95628	Contract type: Residential lease Terms: 1 Year Debtor's Interest: Lessor Description: Rental Home Lease Buyout Option: No

In re: David Gene Barnes / Debtor Case No.

**SCHEDULE H - CODEBTORS**

Name and Address  
of Codebtor

Name and Address  
of Creditor

☒ Debtor has no codebtors.

In re: David Gene Barnes / Debtor Case No.**SCHEDULE I—CURRENT INCOME OF INDIVIDUAL DEBTOR(S)**DEBTOR'S MARITAL STATUS: *Separated*

DEPENDENTS OF DEBTOR AND SPOUSE: None

**EMPLOYMENT:**

	<u>DEBTOR</u>	<u>SPOUSE</u>
Occupation:	Sales	
Name of Employer:	Copper State Communications	
How Long Employed:	2 Months	
Employer Address:	Phoenix, AZ	

**INCOME:**

	<u>DEBTOR</u>	<u>SPOUSE</u>
Current monthly gross wages, salary, and commissions	\$ 6,000.00	\$
Estimated monthly overtime	\$ 0.00	\$
	<u>SUBTOTAL</u>	
	\$ 6,000.00	\$
LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	\$ 0.00	\$
b. Insurance	\$ 0.00	\$
c. Union dues	\$ 0.00	\$
d. Other:	\$ 0.00	\$
	<u>SUBTOTAL OF PAYROLL DEDUCTIONS</u>	
	\$ 0.00	\$
	<u>TOTAL NET MONTHLY TAKE HOME PAY</u>	
	\$ 6,000.00	\$

Regular income from operation of business or profession or farm (attach detailed statement)	\$ 0.00	\$
Income from real property	\$ 0.00	\$
Interest and dividends	\$ 0.00	\$
Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.	\$ 0.00	\$
Social security or other government assistance	\$ 0.00	\$
Pension or retirement income	\$ 0.00	\$
Other monthly income	\$ 0.00	\$
	<u>TOTAL MONTHLY INCOME</u>	
	\$ 6,000.00	\$
<b>TOTAL COMBINED MONTHLY INCOME</b>	<u>\$ 6,000.00</u>	

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

Contract with Employer to Expire in 2 Months. Income will be  
Reduced by 50%



In re: David Gene Barnes

/ Debtor

Case No.

**SCHEDULE J—CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

[ ] Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse".

Rent or home mortgage payment (include lot rented for mobile home)	\$ 1,000.00
Are real estate taxes included? Yes <u>    </u> No <u>X</u>	
Is property insurance included? Yes <u>    </u> No <u>X</u>	
Utilities: Electricity and heating fuel	\$ 270.00
Water and sewer	\$ 60.00
Telephone	\$ 125.00
Other Cable	\$ 70.00
Home maintenance (repairs and upkeep)	\$ 0.00
Food	\$ 350.00
Clothing	\$ 80.00
Laundry and Dry cleaning	\$ 50.00
Medical and Dental expenses	\$ 80.00
Transportation (not including car payments)	\$ 500.00
Recreation, clubs, and entertainment, newspaper, magazines, etc.	\$ 200.00
Charitable contributions	\$ 5.00
Insurance (not deducted from wages or included in home mortgage payments)	
Homeowner's or renter's	\$ 0.00
Life	\$ 0.00
Health	\$ 0.00
Auto	\$ 70.00
Other	\$ 0.00
Taxes (not deducted from wages or included in home mortgages)	
Taxes	\$ 1,500.00
Installment payments:	
Auto	\$ 0.00
Other	\$ 0.00
Alimony, maintenance, and support paid to others	\$ 600.00
Payments for support of additional dependents not living at your home	\$ 0.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$ 0.00
Other	\$ 0.00
<b>TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)</b>	<b>\$ 4,960.00</b>

In re: David Gene Barnes / Debtor Case No.

**DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**

I declare under penalty of perjury that I have read the foregoing Summary and Schedules, consisting of 15 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date 10/05/05 Signature   
David Gene Barnes, Debtor

Penalty for making a false statement or concealing property. Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. SS 152 and 3571.

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

In re *David Gene Barnes*

Case No.  
Chapter 7  
Debtor

\_\_\_\_\_  
Attorney for Debtor: Gregory J. Smith

**STATEMENT OF FINANCIAL AFFAIRS**

1. Income from Employment or Operation of Business.

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this case calendar year.

Income, year to date: \$33,000.00  
Last year: \$37,702.00  
Year before: \$43,380.00  
Source(s): *Employment*

\_\_\_\_\_  
2. Income other than from Employment or Operation of Business.

State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the two years immediately preceding the commencement of this case.

☒ None

\_\_\_\_\_  
3. Payments to Creditors.

a. List all payments on loans, installments, purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within 90 days immediately preceding the commencement of this case.

☒ None

b. List all payments made within one year immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders.

☒ None

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4. Suits and Administrative Proceedings, Executions, Garnishments and Attachments.

a. List all suits and administrative proceedings to which the debtor is or was a party within one year immediately preceding the filing of this bankruptcy case.

☒ None

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b. Describe all property that has been attached, garnished or seized under any legal or equitable process within one year immediately preceding the commencement of this case.

☒ None

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5. Repossessions, Foreclosures and Returns.

List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within one year immediately preceding the commencement of this case.

Creditor/seller: *Travis Federal Credit Union*

Address: *PO Box 150 Fairfield, CA 94533*

Date: *2003*

Property description: *Ford F350 Truck*

Value: *\$7,075.00*

Creditor/seller: *Marine One*

Address: *5000 Quorum Drive #200 Dallas, TX 75254*

Date: *2003*

Property description: *RV*

Value: *\$5,703.00*

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6. Assignments and Receiverships.

a. Describe any assignment of property for the benefit of creditors made within 120 days immediately preceding the commencement of this case.

☒ None

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b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within one year immediately preceding the commencement of this case.

☒ None

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7. Gifts.

List all gifts or charitable contributions made within one year immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient.

☒ None

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8. Losses.

List all losses from fire, theft, other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case.

☒ None

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9. Payments Related to Debt Counseling or Bankruptcy.

List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within one year immediately preceding the commencement of this case.

Payee: *Gregory J. Smith*  
Address: *109 Darling Way*  
Addr2: *Roseville, CA 95678*  
Date of payment: *11-09-04*  
Payor: *David Gene Barnes*  
Payment/Value: *\$ 550.00*

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10. Other Transfers.

List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as a security within one year immediately preceding the commencement of this case.

☒ None

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11. Closed Financial Accounts.

List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within one year immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions.

Institution: *Wells Fargo*  
Address: *1899 Marina Blvd San Leandro, CA 94577*  
Type of account: *Checking/Savings*  
Account #: *0311407704*  
Final balance: *-\$1,044.34*  
Date of closing: *11-05-04*

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12. Safe Deposit Boxes.

List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within one year immediately preceding the commencement of this case.

☒ None

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13. Setoffs.

List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within 90 days preceding the commencement of this case.

☒ None

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14. Property held for Another Person.

List all property owned by another person that the debtor holds or controls.

☒ None

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15. Prior Address of Debtor.

If the debtor has moved within the two years immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case.

Address: 1569D Pheasant Ridge Drive Paradise, CA 95969  
Name(s) used: David Barnes  
Dates: 05-03 to 07-04

Address: 640 Sherwood Drive Gilroy, CA 95020  
Name(s) used: David Barnes  
Dates: 01-01 to 03-03

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**16. Spouses and Former Spouses**

If the debtor resides or resided in a community property state, commonwealth or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the six-year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

☒ NONE

**17. Environmental Information**

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, release of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to disposal sites.

"Hazardous Material" means anything defined as hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under any Environmental Law.

a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law.

☒ NONE

b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

☒ NONE

c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law, with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

☒ NONE

**18. Nature, location and name of business**

a. If the debtor is an individual, list the names, addresses, taxpayer identification numbers, nature of the businesses and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self-employed professional within the six years immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the six years immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within the six years immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within the six years immediately preceding the commencement of this case.

<u>NAME AND ADDRESS</u>	<u>TAXPAYER I.D. NUMBER</u>	<u>NATURE OF BUSINESS</u>	<u>BEGINNING AND ENDING DATES</u>
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Debtor is an Individual: TaxPayer ID:  
Business  
Address:

b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

☒ NONE



NAME AND ADDRESS

DATES SERVICES RENDERED

The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within six years immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or otherwise self-employed.

(An individual or joint debtor should complete this portion of the statement only if the debtor is or has been in business, as defined above, within the six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)

19. Books, records and financial statements.

a. List all bookkeepers and accountants who within the two years immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS

DATES SERVICES RENDERED

Name:

Dates:

Address:

b. List all firms or individuals who within the two years immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

NAME AND ADDRESS

DATES SERVICES RENDERED

Name:

Dates:

Address:

c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME AND ADDRESS

Name:

Address:

Missing:

d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued within the two year immediately preceding the commencement of this case by the debtor.

NAME AND ADDRESS

DATES ISSUED

Name:

Dates:

Address:

20. Inventories.

a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

☒ NONE

b. List the name and address of the person having possession of the records of each of the two inventories reported in a., above.

☒ NONE

21. Current Partners, Officers, Directors and Shareholders.

a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

☒ NONE

b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation.

☒ NONE

22. Former partners, officers, directors and shareholders.

a. If the debtor is a partnership, list each member who withdrew from the partnership within one year immediately preceding the commencement of this case.

☒ NONE

b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within one year immediately preceding the commencement of this case.

☒ NONE

23. Withdrawals from a partnership or distribution by a corporation.

If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during one year immediately preceding the commencement of this case.

☒ NONE

24. Tax Consolidation Group.

If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within the six year period immediately preceding the commencement of the case.

☒ NONE

25. Pension Funds.

If the debtor is not an individual, list the name and federal taxpayer identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within the six year period immediately preceding the commencement of the case.

☒ NONE

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of Perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct to the best of my knowledge, information, and belief.

Date 10/05/05

Signature   
David Gene Barnes

Date \_\_\_\_\_

Signature \_\_\_\_\_

Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years or both, 18 U.S.C. § 152 and § 157.

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

In re *David Gene Barnes*

Case No.  
Chapter 7  
Debtor

Attorney for Debtor: Gregory J. Smith

CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

1. I have filed a schedule of assets and liabilities which includes consumer debts secured by property of the estate.

2. I intend to do the following with respect to the property of the estate which secures those consumer debts:

a. Property to be Surrendered

Description of Property

Creditor's Name

NONE

b. Property to be Retained

Description of Property

Creditor's Name

Intention

NONE

Signature of Debtor(s)

  
Debtor: *David Gene Barnes*

Date: 10/65/05

**UNITED STATES BANKRUPTCY COURT****NOTICE TO INDIVIDUAL CONSUMER DEBTOR**

The purpose of this notice is to acquaint you with the four chapters of the federal Bankruptcy Code under which you may file a bankruptcy petition. The bankruptcy law is complicated and not easily described. Therefore, you should seek the advice of an attorney to learn of your rights and responsibilities under the law should you decide to file a petition with the court. Court employees are prohibited from giving you legal advice.

**Chapter 7: Liquidation (\$130 filing fee plus \$45 administrative fee)**

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts.
2. Under chapter 7 a trustee takes possession of all your property. You may claim certain of your property as exempt under governing law. The trustee then liquidates the property and uses the proceeds to pay your creditors according to the priorities of the Bankruptcy Code.
3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, your discharge may be denied by the court, and the purpose for which you filed the bankruptcy petition will be defeated.
4. Even if you receive a discharge, there are some debts that are not discharged under the law. Therefore, you may still be responsible for such debts as certain taxes and student loans, alimony and support payments, criminal restitution, and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs.
5. Under certain circumstances you may keep property that you have purchased subject to valid security interest. Your attorney can explain the options that are available to you.

**Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$130 filing fee plus \$30 administrative fee)**

1. Chapter 13 is designed for individuals with regular income who are temporarily unable to pay their debts but would like to pay them in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
2. Under chapter 13 you must file a plan with the court to repay your creditors all or part of the money that you owe them, using your future earnings. Usually, the period allowed by the court to repay your debts is three years, but no more than five years. Your plan must be approved by the court before it can take effect.
3. Under chapter 13, unlike chapter 7, you may keep all your property, both exempt and non-exempt, as long as you continue to make payments under the plan.
4. After completion of payments under your plan, your debts are discharged except alimony and support payments, student loans, certain debts including criminal fines and restitution and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs, and long term secured obligations.

**Chapter 11: Reorganization (\$800 filing fee)**

Chapter 11 is designed primarily for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

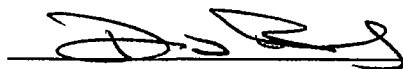
**Chapter 12: Family farmer (\$200 filing fee)**

Chapter 12 is designed to permit family farmers to repay their debts over a period of time from future earnings and is in many ways similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm.

I, the debtor, affirm that I have read this notice.

10/05/05

Date



Signature of Debtor

Case Number

Debtor Copy / Court Copy  
(B 201 Rev 1/95)

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

In re

Case No.  
Chapter 7  
Debtor

David Gene Barnes  
Attorney for Debtor: Gregory J. Smith

PETITIONER'S AFFIDAVIT

Petitioner has not had a case pending under Title 11 at any time in the preceding 180 days where:

- 1) the case was dismissed by the Court for willful failure of the debtor to abide by orders of the Court, or to appear before the Court in proper prosecution of the case; or
- 2) the petitioner requested and obtained the voluntary dismissal of the case following the filing of a request for relief from the automatic stay provided by Section 362 of Title 11.

Under penalty of perjury, I declare I have read this statement and to the best of my knowledge and belief it is true.

Dated: 10/05/05

  
Signature of Petitioner

\_\_\_\_\_  
Signature of Joint Petitioner

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

In re *David Gene Barnes*

Case No.  
Chapter 7  
Debtor

Attorney for Debtor: Gregory J. Smith

**STATEMENT Pursuant to Rule 2016(b)**

The undersigned, pursuant to Rule 2016(b), Rules of Bankruptcy Procedure, states that:

1. The undersigned is the attorney for the debtor(s) in this case.
2. The compensation paid or promised by the Debtor(s), to the undersigned, is as follows:
  - a) For legal services rendered, or to be rendered in contemplation of and in connection with this case . . . . . \$ 550.00
  - b) Prior to the filing of this Statement, Debtor(s) has paid. . . . . 550.00
  - c) Balance Due . . . . . 0.00
3. The Filing Fee *has been paid*.
4. The Services rendered or to be rendered include the following:
  - a) Analysis of the financial situation, and rendering advice and assistance to the debtor(s) in determining whether to file a petition under Title 11, U.S.C.
  - b) Preparation and filing of the petition, schedules, statement of affairs and other documents required by the court.
  - c) Representation of the debtor(s) at the first meeting of creditors.
5. The source of payments made by the debtor(s) to the undersigned was from earnings, wages and compensation for services performed, and *none other*.
6. The source of payments to be made by the debtor(s) to the undersigned for the unpaid balance remaining, if any, will be from earnings, wages and compensation for services performed, and *none other*.
7. The undersigned has received no transfer, assignment or pledge of property except the following for the value stated:  
*None*.
8. The undersigned has not shared or agreed to share with any other entity, other than with members of the undersigned's law firm, any compensation paid or to be paid except as follows: *None*.

Dated: 10-12-05

Respectfully submitted,

Attorney for Petitioner: Gregory J. Smith  
Law Office of Gregory J. Smith  
109 Darling Way  
Roseville, CA 95678

All the Best Video  
5905 Clark Road  
Paradise, CA 95969

Capital One Services  
PO Box 60000  
Seattle, WA 98190-6000

Cb Associates  
PO Box 150  
Fairfield, CA 94533

Ccb Credit  
5300 South 6th Street  
Springfield, IL 62703

Commercial Recovery System  
C/O Robert Nielson  
9298 Central Avenue NE #310  
Blaine, MN 55434

First Bank  
201 Vernon Street  
Roseville, CA 95678

Global Vantedge Inc  
PO Box 945  
Brookfield, WI 53008



Household Bank  
Credit Card Services  
PO Box 60102  
City of Industry, CA 91716

Marine One Acceptance  
5000 Quroum Drive #200  
Dallas, TX 75254

Melissa Atteberry Law Offices  
30 Constitution Drive #100  
Chico, CA 95973

Travis Credit Union  
PO Box 150  
Fairfield, CA 94533

Travis Credit Union Collection  
PO Box 150  
Fairfield, CA 94533